



IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Cynthia Donovan et. al.  
SERIAL NO: 09/578,672  
FILING DATE: 5/25/2000  
TITLE: METHOD AND APPARATUS FOR CONTROLLING ACCESS TO A WEBSITE  
GROUP ART UNIT: 2445  
ATTY DOCKET NO: 1112  
EXAMINER Mirza, Adnan

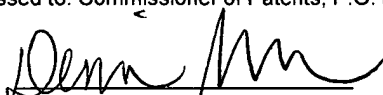
---

CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313 on the date shown below:

Date:

9/27/2010

  
Denisa Marcisovska

THE HONORABLE COMMISSIONER OF PATENTS, ALEXANDRIA, VA 22313

REPLY BRIEF TO EXAMINER'S ANSWER UNDER 37 C.F.R. 1.193

SIR:

Responsive to the Examiner's Answer mailed on 7/27/2010

In 10(A) of Examiner's Answer, Examiner never shows a command to a computer from which a request for a web page has been received to send another request for the web page as claimed. Examiner argues that, in Devine, a server marks a session record, with a time stamp of the last time the client communicated with the server, and that in Devine, failure to heartbeat results in an expiration of a session key. At the top of page 9 in Examiner's Answer, Examiner then argues all sorts of other things for which Examiner provides no support from any of the references, but even in all of it, the portions of Devine Examiner describes and the unsupported bolded verbiage in Examiner's Answer at the top of page 9, Examiner never argues that a command to a computer from which a request for a web page has been received to send another request for the web page, as claimed, is ever even suggested. Thus, the claims are patentably distinct from the cited references.

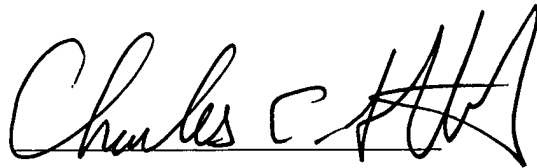
In 10(B) of Examiner's Answer, to illustrate the claimed feature of sending a time stamp to the client, Examiner copies a portion of Devine that describes operation of the cookie jar process which sits in the back end to a server (Devine, Figure 4). The only thing sent to the client is described at the very end, when a status heartbeat sent from the cookie jar to the web server causes

the web server to send a status to the client. The only discussion of status in Devine are terse status messages (logoff - Column 19, line 54, success or failure - column 25, line 40)). No timestamp was explicitly included in the status, and for the same reasons noted in the appeal brief (page 9, line 5 - page 11, line 10), there was no reason to, and an important reason not to, add unnecessary information into the status, and thus, no timestamp is sent to the client as claimed. A timestamp sent to the client would serve no purpose: the timestamp can be obtained from a system clock. The timestamp needs to remain stored on the server so that the server can terminate the process if the client has not been heard from for a threshold period of time. If the only entity holding the timestamp is the client, the server cannot terminate the process because it would not know how long it had been since the client had last sent a heartbeat. There is no reason to send it to the client. The client cannot use it to determine when to send the next heartbeat: there may be time zone differences or even a wrong clock setting that would result in errors if the client used the timestamp sent by the server to heartbeat. There is simply no reason for the client to have the timestamp sent with the status.

In 10(C) of Examiner's Answer, Examiner asserts the rationale is to use less memory, bandwidth and time. Examiner asserts, again without support, that this rationale was asserted. Even if it was, as noted in the 5 appeal brief (page 9, line 5 - page 11, line 10), the unnecessary sending of the timestamp as asserted by Examiner would cause the use of more bandwidth, and therefore time. Additionally, unnecessarily storing the server's timestamp on the client would use more memory, not 10 less, . Thus, the purported rationale for combining the references is not one that someone skilled in the art would make even if they showed the claimed features.

Examiner has not shown that the claimed features are shown by the references or are obvious from them, and Examiner's purported rationale fails to make the claimed invention obvious in light of the references. Claims 1, 14, and 27 are patentably distinguishable over the cited references. Examiner's rejection should be overruled. Favorable action is solicited.

Respectfully Submitted  
September 27, 2010.

A handwritten signature in black ink, appearing to read "Charles C. Gottlieb", with a stylized flourish at the end.

Charles Gottlieb  
Reg. No. 38,164  
Innovation Partners  
540 University Ave.  
Suite 300  
Palo Alto, CA 94301